

Application No. 09/923,219

Page 3

REMARKS

Claim 5 is the only claim remaining in the application. The claim stands rejected under sections 112 and 102 of 35 USC. These rejections should be withdrawn for the reasons described below.

In rejecting claim 5 under section 112, the examiner has asserted that the specification does not adequately describe the first and second means. However, the examiner has not taken into account that the specification and drawings disclose that the sheet of non-circular plastic has multiple areas that have embossments. Therefore the first means can be considered a first region of embossments that hold onto or engage a first section of the first surface of the pizza dough and then the second means can be considered a second region of embossments that hold onto or engage a second section of the first surface of the pizza dough.. As a result of these "engaging" functions the two means, that is the two areas of embossments, retain the pizza dough in a non-circular shape. In view of the above described disclosure, the "means" of claim 5 are adequately described by the application as filed and therefore section 112 has been satisfied.

In rejecting claim 5 under section 102, the examiner has referred to two patents, one to Liu and one to Niermeijer. However, neither of the two patents disclose any "means" or structure that performs the claimed functions of engaging a first surface of pizza dough wherein the dough is retained in a non-circular shape. To anticipate, the reference must disclose both the recited function and have structure that is the same as or equivalent to that in the specification of the application. Even if it is assumed that the references disclose embossed areas, neither of the cited patents disclose the claimed functions. Therefore there is no anticipation. This rejection of claim 5 must therefore be withdrawn.

Application No. 09/923,219

Page 4

In summary, the patent application adequately describes the claimed means and the prior art does not disclose the claimed functions. Thus, the examiner should reconsider and withdraw the rejections of the only pending claim. In so doing, the examiner should then issue a Notice of Allowance in connection with this claim.

Applicant has submitted a re-signed declaration in response to the Examiner's requirement set forth in the most recent Action.

If the examiner has any questions, he is invited to call the Applicant at (631) 242-1308.

Respectfully Submitted,

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